

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CR2016-117039-001 SE

03/08/2017

COMMISSIONER VAN WIE

CLERK OF THE COURT
R. Williams
Deputy

STATE OF ARIZONA

ADAM L GARVIN

v.

JEFFREY ALAN BORDEN (001)
DOB: 04/01/1964

CANDACE H KENT

APPEALS-CCC
AZ DOC
DISPOSITION CLERK-CSC
RFR

SUSPENSION OF SENTENCE - PROBATION GRANTED/IMPRISONMENT

9:09 a.m.

Courtroom CCB 804

State's Attorney:	Adam Garvin
Defendant's Attorney:	Candace Kent
Defendant:	Present

A record of the proceedings is made digitally in lieu of a court reporter.

Count(s) 1: WAIVER OF TRIAL: The Defendant knowingly, intelligently and voluntarily waived all pertinent constitutional and appellate rights and entered a plea of guilty.

IT IS THE JUDGMENT of the Court Defendant is guilty of the following:

OFFENSE: Count 1 Aggravated Driving or Actual Physical Control While Under the Influence of Intoxicating Liquor or Drugs

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Class 4 Felony

A.R.S. § 28-1381(A)(1), 1383(A)(1), 3001, 3304, 3305, 3315, 13-701, 702, and 801

Date of Offense: 10/12/2014

Non Dangerous - Non Repetitive

AS PUNISHMENT, IT IS ORDERED Defendant is sentenced to a term of imprisonment and is committed to the Arizona Department of Corrections as follows:

Count 1: 4 month(s) from 03/08/2017

Presentence Incarceration Credit: 44 day(s)

Sentence is concurrent with CR2017-005436-0014.

The Court is suspending imposition or execution of sentence and, under the supervision of the Adult Probation Department (APD), placing the Defendant on probation for:

Count 1 Probation Term: 6 years

Upon absolute discharge from prison for a separate offense in CR2017-005436-0014.

IT IS ORDERED that probation in Count 1 shall run concurrent with probation in CR2015-112785-001.

Condition 6: Report to the APD within 72 hours of sentencing, absolute discharge from prison, release from incarceration, or residential treatment and continue to report as directed. Keep APD advised of progress toward case plan goals and comply with any written directive of the APD to enforce compliance with the conditions of probation. Provide DNA testing if required by law.

Condition 8: Request and obtain written permission of the APD prior to leaving the state.

Condition 15: Restitution, Fines and Fees:

PROBATION SERVICE FEE: Count 1 - \$65.00 per month

DUI ABATEMENT FUND: Count 1 - \$250.00, payable \$10.00 per month

DUI FINE: Count 1 - \$1,372.50, payable \$25.00 per month

PRISON CONSTRUCTION & OPERATIONS FUND: Count 1 - \$1,500.00, payable \$20.00 per month

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PUBLIC SAFETY EQUIPMENT FUND: Count 1 - \$1,500.00, payable \$20.00 per month

PROBATION ASSESSMENT: Count 1 - \$20.00

Count 1: Time payment fee pursuant to A.R.S. § 12-116 in the amount of \$20.00

VICTIMS' RIGHTS ENFORCEMENT Count 1 - in the amount of \$2.00

PENALTY ASSESSMENT - A.R.S. §12-116.04: Count 1 - \$13.00

Investigative Agency:

Phoenix Police Department

All amounts payable through the Clerk of the Superior Court.

All fines and fees are payable on a date to be determined. Payment amounts may be modified.

The Court will retain jurisdiction over restitution. No hearing is set at this time. In the event a restitution hearing is set, Defendant waives his presence.

Condition 16: Not consume or possess any substances containing alcohol.

Condition 19: Not have any contact with the victim(s) in any form, unless approved in writing by the APD.

Condition 22: Other: Substance abuse counseling and relapse prevention training.

IT IS FURTHER ORDERED that Defendant shall submit to fingerprint identification processing by the Maricopa County Sheriff's Office if directed to do so by the Adult Probation Department. The Adult Probation Department shall direct any Defendant placed on probation who has not already had a State Identification Number (SID) established to submit to fingerprint processing.

Defendant is advised pursuant to A.R.S. § 13-805 that failure to maintain contact with the Probation Department may result in the issuance of:

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1. A criminal restitution order in favor of the state for the unpaid balance, if any, of any fines, costs, incarceration costs, fees, surcharges or assessments imposed.

2. A criminal restitution order in favor of each person entitled to restitution for the unpaid balance of any restitution ordered.

IT IS ORDERED granting the Motion to Dismiss the following: Counts 2, 3, 4; any allegation of felony convictions.

IT IS ORDERED revoking Defendant's driver's license and that Defendant not operate a motor vehicle without valid driver's license.

The Disposition Clerk is directed to forward a certified abstract and copy of this sentencing minute entry to the State of Arizona Motor Vehicle Division.

IT IS FURTHER ORDERED that the Defendant shall be required to equip any motor vehicle he/she operates with a certified ignition interlock device for at least one (1) year upon the conclusion of his/her license suspension or revocation.

IT IS FURTHER ORDERED Defendant shall be screened for and participate in substance abuse counseling.

Count(s) 1: IT IS ORDERED authorizing the Maricopa County Sheriff to deliver Defendant to the Arizona Department of Corrections.

IT IS ORDERED the Clerk of the Superior Court remit to the Arizona Department of Corrections a copy of this Order or the Order of Confinement together with all presentence reports, probation violation reports, and medical and psychological reports that are not sealed in this cause relating to the Defendant.

9:32 a.m. Matter concludes.

IT IS ORDERED that defense counsel shall preserve defendant's file for post-conviction relief purposes. If defense counsel receives notice that defendant is seeking post-conviction relief, counsel shall prepare the file for delivery to PCR counsel and shall make timely arrangements for the exchange thereof when notified. Further, upon exchange of the file, defense counsel shall file with the court a Notice of Compliance that shall, at a minimum, include date of compliance, recipient of the file, and an itemization of contents of the file. A copy of the Notice shall be provided to PCR counsel, the State and the PCR Unit.

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Defendant's right index fingerprint is permanently affixed to this sentencing order in open court.

/s/ COMMISSIONER VAN WIE
OF THE SUPERIOR COURT

(right index fingerprint)